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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, et al.,
Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. 6:15-cv-01517-TC

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND
TO PLAINTIFFS' MOTION FOR
LEAVE TO FILE AN AMENDED
COMPLAINT (ECF No. 462)**

**EXPEDITED CONSIDERATION
REQUESTED**

Defendants respectfully move for an extension of time, until April 6, 2021, to file a response to Plaintiffs' Motion for Leave to File an Amended Complaint (ECF No. 462).¹ This request is made for good cause as follows:

¹ Counsel for the parties have conferred in good faith by email and telephone regarding the need for an extension of time. *See* LR 7-1(a). Plaintiffs oppose this motion to extend time.

1. This Court certified this case for interlocutory appeal and stayed the case pending a decision by the Court of Appeals for the Ninth Circuit on November 21, 2018. ECF No. 444; *see also* Order of Jan. 8, 2019, ECF No. 453 (reaffirming that proceedings are stayed pending the final disposition of the appeal before the Ninth Circuit).
2. The Ninth Circuit issued its opinion on January 17, 2020. ECF No. 459. The Ninth Circuit reversed this Court's certified orders and remanded the case to this Court "with instructions to dismiss for lack of Article III standing." *Id.* at 32. Plaintiffs petitioned the Court of Appeals for rehearing en banc. That petition was denied on February 10, 2021. ECF No. 460. On March 5, 2021, the Ninth Circuit issued the formal mandate pursuant to Fed. R. App. P. 41(a), and the January 17, 2020 judgment took effect that day. ECF No. 461.
3. On March 9, 2021, Plaintiffs moved this Court for leave to file an amended complaint and requested that this Court lift its stay. ECF No. 462. Defendants' response to that motion is due March 23, 2021.
4. Like the two complaints previously filed in this case, the proposed second amended complaint ("Proposed Complaint") is over 300 paragraphs in length and contains numerous allegations directed at more than a dozen federal agencies, nearly all of which are named as Defendants. *See* Proposed Complaint, ECF No. 462-1.
5. In responding to the Motion for Leave, Defendants will need to consult with and solicit feedback from all of the named Defendants. The decision makers within those Defendant agencies will need to familiarize themselves not only with the Motion for Leave, but also the underlying allegations in the Proposed Complaint.
6. Presently, the Defendant agencies are in the midst of transition due to the recent change in administration. Some decision makers within the Defendant agencies have only recently

arrived, or have yet to arrive, and assume the duties of their new positions. Consultation on this case and the Motion for Leave to Amend will therefore take more time than usual.

7. To account for these challenges, the Defendant agencies will need an additional amount of the time to respond to the motion for leave to amend. Defendants are asking for only an additional two weeks.
8. In addition, undersigned counsel, who will be leading the effort to coordinate with the Defendant agencies in responding to the motion for leave to amend, has a number of preexisting professional obligations over the next few weeks. These including drafting a brief on a dispositive motion in one case and participating in oral argument on a dispositive motion in another case. These obligations are in addition to others in more than a dozen cases currently pending in federal district courts.
9. This motion is brought to allow Defendants the necessary time they require to respond to the motion for leave to amend and not to delay proceedings.

For all of the foregoing reasons, Defendants respectfully request that the Court grant this motion and extend, until April 6, 2021, Defendants' deadline to respond to the motion for leave to amend.

Dated: March 15, 2021

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/s/ Sean C. Duffy
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